

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO. 26 OF 2018
IN
WRIT PETITION NO. 4787 OF 2012**

Vijay S/o Digambar Hande
Age : 34 years, Occ : Service,
R/o Lecturer Colony, Ausa,
Tq. Ausa, Dist. Latur.

..APPLICANT

-VERSUS-

1. The State of Maharashtra
Through its Secretary,
Higher and Technical Education
Department, Mantralaya,
Mumbai.
2. The Joint Director of Higher Education,
Nanded Region, Nanded.
3. Swami Ramanand Teerth
Marathwada University,
Nanded, Through its Registrar.
4. Sharadopasak Shikshan Sanstha
Aurad Shahajani, Tq. Nilanga,
Dist. Latur, through its Secretary.
5. Master Dinanath Mangeshkar
Senior College, Aurad Shahajani,
Tq. Nilanga, Dist. Latur
Through its Principal

..RESPONDENTS

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Advocate for the Applicant : Mr. A.N. Sabnis
holding for Mr.V.G. Kodale
A.G.P. for Respondent nos. 1 & 2: Mrs.S.S.Raut
Advocate for Respondent No.3 : Mr. U.S. Malte

**CORAM : S.S. SHINDE &
S. M. GAVHANE, JJ.
DATE : 11th April, 2018**

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ORDER (PER S.S.SHINDE, J.) :

This Review Application is filed by the applicant - original petitioner seeking review of the judgment and order dated 29.10.2015 passed by this Court in Writ Petition No.4797/2012.

2. Learned counsel appearing for the applicant submits that, this Court has not considered the Government Resolution dated 15th February, 2011, wherein the eligibility criteria to the post of Director of Physical Education is made applicable by the Government from 15th February, 2011, and the appointment of the applicant is before the said date, and therefore, the condition mentioned in the advertisement, namely clause 2D, as

the qualification laid down by the University Grants Commission (U.G.C.) for the post of Director of Physical Education would be made applicable from the date of State of Maharashtra accepts the said guidelines. It is further submitted that, subsequent Regulations issued by the U.G.C. do not provide for passing of the NET-SET for the appointment on the post of Director of Physical Education.

3. On the other hand, learned A.G.P. appearing for the Respondents submits that, no new ground has been raised and the Writ Petition filed by the petitioner has been rightly decided, and therefore, the Review application may be rejected.

4. We have given careful consideration to the submissions advanced

by learned counsel appearing for the parties. Upon careful perusal of the reasons given in the judgment under review, this Court has noted the submission of learned counsel appearing for the applicant i.e. petitioner therein in para 5 that, the State of Maharashtra has made applicable the service conditions and eligibility criteria for the post of Director of Physical Education in the State of Maharashtra vide circular dated 15.02.2011. Since the grounds in the application by placing reliance upon the Government Resolution dated 15.02.2011 was considered during the course of hearing of the Petition. There is no new material which is brought on record by the applicant so as to review the judgment and order under review. On the date of advertisement, as per the Regulations issued by the U.G.C.

the necessary qualification for the aforesaid post was passing of National Eligibility test. However, admittedly the applicant was not holding the required/prescribed qualification i.e. passing of NET-SET on the date of advertisement. The applicant was also not holding the Ph.D. degree at the relevant time. This Court has given sufficient reasons while dismissing the Petition. No case is made out so as to review the order under review. Hence the application stands rejected.

(S.M. GAVHANE, J.)

(S.S. SHINDE, J.)

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SGA/-